

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 12-0586

In re: Cash Wiley, an individual doing
business as Wiley Exotics and
Sharkarosa Exotics; and Eric Johns
Drogosch, an individual,

Respondents

**Default Decision and Order
as to Cash Wiley**

Preliminary Statement

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act"), by a Complaint filed on August 8, 2012, by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the Respondents violated the Act and the regulations promulgated thereunder. The Office of the Hearing Clerk effected service of the complaint and a copy of the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-1.151), on respondent Cash Wiley (Wiley) on August 14, 2012, by certified mail (Receipt No. 70051160000278364714).

On January 30, 2013, the parties were directed to show cause why a Default Decision and Order should not be entered as to Respondent Wiley and why the allegations against Eric John Drogosch should not be dismissed. Thereafter, Complainant filed its Motion for a Default Decision as to Cash Wiley and provided an updated address for Eric John Drogosch.

As Wiley failed to timely file an Answer, the following Findings of Fact, Conclusions of

Law and Order will be entered pursuant to section 1.139 of the Rules of Practice.

Findings of Fact

1. Respondent Wiley is an individual whose address is in Wils Point, Texas.
2. At all times mentioned in the Complaint, Wiley was operating as a dealer, as that term is defined in the Act and the Regulations, did or purported to do business as Cash Wiley Exotics and/or Sharkarosa Exotics, and did not hold a valid license issued by the Secretary.
3. On or about August 13, 2007, through August 15, 2007, without having been licensed by the Secretary to do so, Wiley offered for sale, sold, delivered for transportation, transported, bought, or negotiated the sale of five animals (four Barbary sheep and one wildebeest) for use in exhibition.
4. On or about August 13, 2007, without having been licensed by the Secretary to do so, Wiley delivered for transportation and transported two animals (camels) for use in exhibition.
5. On or about the following dates, without having been licensed by the Secretary to do so, Wiley offered for sale, sold, delivered for transportation, transported, bought or negotiated the purchase or sale of animals for use in exhibition, to or from Sharkarosa Wildlife Ranch, Pilot Point, Texas:
 - a. February 24, 2009: One Nubian Ibex
 - b. April 4, 2009: One coatimundi and one Mini Zebu calf
 - c. July 9, 2009: One red-fronted lemur
 - d. August 12, 2009: Two ring-tailed lemurs
 - e. November 8, 2009: Two Barasingha deer and four guanaco
6. From on or about August 13, 2007, through August 15, 2007, Wiley failed to handle animals as carefully as possible in a manner that does not cause behavioral stress, physical harm, or unnecessary discomfort, and transported eight animals (two camels, one wildebeest and four Barbary sheep), each of which had one or more pre-existing veterinary medical problems,

approximately 1,000 miles from Texas to Camp Verde, Arizona, without having had a veterinarian examine the animals or having obtained health certificates for the animals.

7. From on or about August 13, 2007, through August 15, 2007, Wiley failed to provide adequate veterinary care to eight animals (two camels, one wildebeest and four Barbary sheep), each of which was in need of veterinary medical attention.

8. From on or about August 13, 2007 through August 15, 2007, Wiley failed to feed animals wholesome, palatable food free from contamination, and of sufficient quantity and nutritive value to maintain animals in good health.

9. From on or about August 13, 2007, through August 15, 2007, Wiley failed to ensure that eight animals in transit were visually observed at least once every four hours, to ensure that they were receiving sufficient air, that ambient temperatures were within prescribed limits, that applicable Standards were met, and that the animals were not in obvious physical distress.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.

2. Respondent Wiley willfully violated section 2134 of the Act (7 U.S.C. § 2134) and sections 2.1(a), 2.131(b)(1), 2.40(b)(2), 2.100(a) of the Regulations (9 C.F.R. § 2.1(a), 2.131(b)(1), 2.40(b)(2), and 2.100(a)) and sections 3.129 and 3.140 of the Standards (9 C.F.R. § 3.129 and 3.140).

Order

1. Respondent Cash Wiley, his agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the Regulations and Standards.

2. Respondent Wiley is assessed a civil penalty of \$27,300, which shall be paid by certified

check or money order made payable to the Treasurer of the United States.

3. Respondent Cash Wiley is disqualified from obtaining a license under the Act.

4. The provisions of this order shall become effective on the first day after this decision becomes final. This decision becomes final without further proceedings 35 days after service as provided in sections 1.142 and 1.145 of the Rules of Practice.

Copies of this decision shall be served upon the parties.

March 28, 2013

Peter M. Davenport

Peter M. Davenport
Chief Administrative Law Judge